

April 12, 2007

Mr. Ucheora Onwuamaegbu  
Secretary of the Tribunal  
ICSID, 1818 H Street, NW  
Washington, DC 20433

**Re: *Grand River Enterprises et al. v. United States of America***  
***NAFTA-UNCITRAL Arbitration***

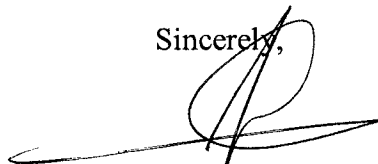
Dear Mr. Onwuamaegbu:

I am writing with reference to Respondent's letters of 30 March and 11 April 2007. In the first of its letters, addressed directly to Professor Anaya, Respondent requested Professor Anaya to comment upon his attendance at an "informal meeting" at the Inter-American Commission on Human Rights concerning the *Dann* case – an international human rights action brought in 1993 by members of the Western Shoshone American Indians. In its second letter, before even receiving any of the details that Respondent itself had requested a few days earlier from Professor Anaya, Respondent demanded the immediate resignation of Professor Anaya as an arbitrator in this proceeding. Claimants categorically reject Respondent's challenge.

Claimants respectfully submit that no action can or should be taken with respect to Respondent's belated challenge of Professor Anaya until: (i) Respondent has provided further and better particulars as to the factual basis underlying its charge that Professor Anaya's impartiality and independence as an arbitrator in this case have been compromised; (ii) Professor Anaya has had an opportunity to address Respondent's unfounded challenge; and (iii) Claimants have had an opportunity to present their views as to why Respondent's challenge must be rejected.

In connection with the foregoing, Claimants ask that Respondent be ordered to: (i) provide the Tribunal and Claimants with any and all evidence in Respondent's possession purporting to support its challenge; and (ii) confirm the exact date(s) upon which such information became known to Respondent. Claimants further ask that Professor Anaya be given ample opportunity to respond in writing to the evidence produced, if any, by Respondent, and that Claimants then be afforded an opportunity to present their views on this matter in light of the available evidence and applicable legal and ethical standards.

Sincerely,



Arif Hyder Ali  
Co-Counsel for Claimants

Copies:

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